

BILL NO. G-94-10-16

GENERAL ORDINANCE NO. 2-25-94

AN ORDINANCE AMENDING TITLE 7,
CHAPTER 70, SECTION 70.33 (C) OF THE
FORT WAYNE CODE OF ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Pursuant to I.C. 9-29-4-2(3)(B),
Title 7, Chapter 70, Section 70.33 (C) of the Fort Wayne
Code of Ordinances is amended as follows:


§ 70.33 CERTIFICATE OF TITLE INSPECTIONS.

(C) COLLECTION, remittance of fees. The Police
Officer making the inspection is authorized to collect
such fees and shall remit such fees daily to the Chief of
Police or his duly authorized representative. Pursuant
to I.C. 9-29-4-2(3)(B) the Chief of Police or his duly
authorized representative shall remit such fees monthly
to the City Controller, who shall deposit such fees in
the Local Law Enforcement Continuing Education Fund.

SECTION 2. That this Ordinance shall be in
full force and effect from and after its passage and any
and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY


J. TIMOTHY MCCAULAY, CITY ATTORNEY

of the Common Council.

(C) It shall be the particular duty of the City Traffic Engineer to:

(1) Designate crosswalks and safety zones and mark traffic lanes in accordance with § 70.16.

(2) Place turn markers, buttons or signs in accordance with § 71.03.

(3) Determine turn restrictions in accordance with § 71.03.

(4) Devise one-way streets and alleys in accordance with § 71.02

(5) Erect stop signs on through streets in accordance with § 71.16.

(6) Determine angle parking locations in accordance with § 72.02(A).
('74 Code, § 17-5) (Ord. S-185-85, passed 10-8-85)

§ 70.33 CERTIFICATE OF TITLE INSPECTIONS.

(A) *Police officers authorized to inspect vehicles.* Pursuant to IC 9-1-2-1, Police Officers of the Police Department are authorized to inspect motor vehicles, semi-trailers and recreational vehicles to verify the facts set forth in the application for certificate of title for such vehicles.

(B) *Inspection fee.* The Police Department is hereby authorized to charge a fee in the sum of \$5 for each vehicle inspected. Such fee shall be charged to the owner of such vehicle(s) for the inspection verification of the facts set forth in the application for such certificate of title for such vehicle(s).

✓ (C) *Collection, remittance of fees; vehicle inspection fund.* The Police Officer making the inspection is authorized to collect such fees and shall remit such fees daily to the Chief of Police or his duly authorized representative. The Chief of Police or his duly authorized representative shall remit such fees monthly to the City Controller, who shall deposit such fees in a dedicated Vehicle Inspection Fund which can be appropriated only for law enforcement purposes.

(D) *Receipt for fee.* A receipt for the city title and inspection fee shall be given to the owner paying such fee with a duplicate copy of such form retained

by the Police Department.

('74 Code, § 17-5.1) (Ord. S-185-85, passed 10-8-85)

ENFORCEMENT; ARREST PROCEDURE

§ 70.45 AUTHORITY OF POLICE OFFICERS; MEMBERS OF THE FIRE DEPARTMENT TO ASSIST POLICE OFFICERS.

(A) It shall be the duty of the officers of the Police Department of the city to enforce all street traffic laws of the city and all state vehicle laws applicable to street traffic in this city.

(B) Officers of the Police Department are hereby authorized to direct all traffic in conformance with all traffic laws and regulations; provided, that in the event of a fire or other emergency, to expedite traffic or to safeguard pedestrians, the officers shall direct traffic as conditions may require, notwithstanding the provisions of the traffic laws and regulations.

(C) Members of the Fire Department, when at the scene of a fire, may direct or assist the Police in directing the traffic thereat or in the immediate vicinity thereof.

('74 Code, § 17-14) (Ord. S-185-85, passed 10-8-85)

§ 70.46 PROCEDURE FOR ARREST.

Except when authorized or directed under the state law to immediately take a person arrested for a violation of any traffic law before a magistrate, any police officer, upon making an arrest for violation of the state traffic laws, this chapter or other traffic ordinances of this city, shall take the name, address and operator's license number of the alleged violator and the registered number of the motor vehicle involved, shall issue to him in writing, on the form provided by the City Clerk, pursuant to § 70.48, a notice to answer to the charge against him at a place and at a time at least five days after such arrest to be specified in the notice and forthwith release the person arrested from custody. The officer shall send one copy of such notice to the Captain of the Traffic Division or Records Bureau and one copy to the Traffic Violations Bureau.

('74 Code, § 17-8) (Ord. S-185-85, passed 10-8-85)

CHAPTER 3

FEES UNDER IC 9-16

SECTION.

9-29-3-23. Deposit of service charges in state license branch fund.

9-29-3-23. Deposit of service charges in state license branch fund. — The service charges collected under this chapter shall be deposited in the state license branch fund established under IC 9-29-14. [P.L.2-1991, § 17; P.L.1-1992, § 59.]

SECTION.

9-29-4-2. Inspection under IC 9-17-2-12.

CHAPTER 4

FEES UNDER IC 9-17

9-29-4-2. Inspection under IC 9-17-2-12. — A person described in subdivision (3) who makes an inspection under IC 9-17-2-12 may charge a fee. A fee charged under this section is subject to the following:

- (1) The fee must be established by ordinance adopted by the unit (as defined in IC 36-1-2-23).
- (2) The fee may not exceed five dollars (\$5).
- (3) The revenue from the inspection fee shall be deposited in the following manner:

- (A) A special vehicle inspection fund if the person making the inspection is a member of the county sheriff's department. The fiscal body of the unit must appropriate the money from the inspection fund only for law enforcement purposes.
- (B) A local law enforcement continuing education fund established by IC 5-2-8-2 if the person making the inspection is a member of a city or town police department, a town marshal, or a town marshal deputy. [P.L.2-1991, § 17; P.L.48-1993, § 3.]

Amendments. The 1993 amendment added "described in subdivision (3)" in the first sentence; deleted "a special vehicle inspection fund" from the end of subdivision (3); substituted "the following manner" for "(4)". The fiscal body of the unit must appropriate the money collection from the inspection only for law enforcement purposes"; and added subdivisions (3)(A) and (3)(B).
Effective Dates. P.L.48-1993 contains no effective date provision. Pursuant to IC 1-1-3-3, the amendment takes effect July 1, 1993.

CHAPTER 5

FEES UNDER IC 9-18

SECTION.

9-29-5-2. Registration of motorcycle — Allocation of fee revenues.
9-29-5-6. Registration fee for each semitrailer used with tractor.
9-29-5-13.5. License fee credits.

SECTION.

9-29-5-26.5. Fee for temporary registration permit.
9-29-5-42. Vehicles not subject to IC 9-18-2-8.

9-29-5-2. Registration

(2) An amount prescribed as a license branch service charge under IC 9-16-1.

(3) The balance to the state general fund for credit to the motor highway account. [P.L.2-1991, § 17; P.L.71-1992, § 1.]

Effective Dates. P.L.71-1992, § 2. January 1, 1993.

9-29-5-6. Registration fee for each semitrailer used with tractor. — The registration fee for each semitrailer to be used with a tractor under this section is as follows:

- (1) Thirty dollars (\$30) for a one (1) year registration.
- (2) Sixty dollars (\$60) for a five (5) year registration. However, the five year registration fee shall be reduced by twelve dollars (\$12) for full year after the initial year of the five (5) year period provided for a one (1) year registration.
- (3) For a permanent registration, the fee is as follows:

(A) Sixty-five dollars (\$65) at the time the semitrailer is first tere.

(B) Two dollars (\$2) annually to renew the registration. [P.L.2-1991, § 17; P.L. 117-1993, § 4.]

Amendments. The 1993 amendment, effective January 1, 1994, added subdivision (3).
Effective Dates. P.L.117-1993, § 4. January 1, 1994.

9-29-5-13. Farm trucks, farm trailers, farm semitrailers and trailers.

Compiler's Notes. P.L.277-1993(ss), § 59, effective October 1, 1993, provides: "(1) October 1, 1995; or
"(2) the effective date of a waiver of 40 CFR 80.29(a) by the United States Environmental Protection Agency with respect to special use in motor vehicles that may be licensed under IC 9-29-5-13(b)."

9-29-5-13.5. License fee credits. — (a) This section applies to a trailer, or semitrailer and tractor for which a license fee provided in section 13(b) [IC 9-29-5-13(b)] of this chapter has been paid.

(b) If the owner of a truck, trailer, or semitrailer and tractor described in subsection (a) begins to operate the truck, trailer, or semitrailer and tractor in the conduct of a commercial enterprise or for the transportation of products during a registration year for which the license fee under section 13(b) this chapter has been paid, the owner shall pay the amount listed in the chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight reduced by a credit determined under subsection (c) to license the truck, trailer, or semitrailer and tractor.

- (1) The credit provided in subsection (b) equals:
- (2) Ten percent (10%) for each full or partial calendar month that has elapsed in the registration year for which the license fee was paid.

Read the first time in full and on motion by Six Juntas, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Legislative (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 11-22-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Six Juntas, seconded by _____, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY	<u>✓</u>			
EDMONDS				<u>✓</u>
GiaQUINTA	<u>✓</u>			
HENRY				<u>✓</u>
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 12-13-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. G-25-94 on the 13th day of December, 1994

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Rebecca Perrine
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of December, 1994, at the hour of 10:30 o'clock PM, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of December, 1994, at the hour of 5:00 o'clock PM, M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

M E M O R A N D U M

TO: MEMBERS OF COMMON COUNCIL
FROM: CAPT. D.A. HARTUP
DATE: OCT. 24, 1994
SUBJECT: ORDINANCE AMENDING TITLE 7, CHAPTER 70, SECTION 70.33 (C)

THIS ORDINANCE ESTABLISHES THE CORRECT WORDING OF THE ACCOUNT
IN WHICH MONEY COLLECTED FOR VEHICLE INSPECTIONS IS TO BE
DEPOSITED.

THIS IS IN COMPLIANCE WITH I.C. 9-29-4-2 (3) (B) WHICH STATES THAT
ALL MONIES COLLECTED FROM VEHICLE INSPECTIONS FEES BE DEPOSITED
IN THE LOCAL LAW ENFORCEMENT CONTINUING EDUCATION FUND.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS ORDINANCE, PLEASE CONTACT
ME AT 427-1199.

D-94-11-16

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE POLICE DEPARTMENT

SYNOPSIS OF ORDINANCE VEHICLE INSPECTION FEES WILL BE DEPOSITED IN
THE LOCAL LAW ENFORCEMENT CONTINUING EDUCATION FUND IN COMPLIANCE
WITH I.C.9-29-4-2(3)(B).

EFFECT OF PASSAGE DEPOSITED FEES WILL BE IN COMPLIANCE WITH I.C 9-
29-4-2(3)(B).

EFFECT OF NON-PASSAGE FEES NOT DEPOSITED IN ACCOUNT AS REQUIRED BY
STATE LAW.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. G-94-11-16

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR
DONALD J. SCHMIDT
JANET G. BRADURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AMENDING TITLE 7, CHAPTER
70, SECTION 70.33 (C) OF THE FORT WAYNE CODE OF ORDINANCES

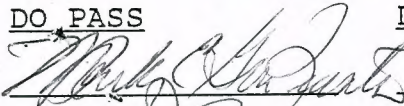
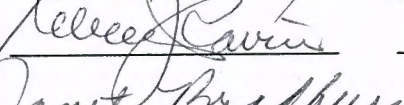
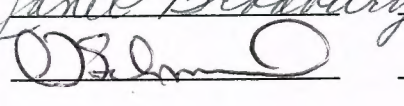

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
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DATED: 12-13-94

Sandra E. Kennedy
City Clerk